SEP 2 2 2005

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL DONALD F. FREI DAVID S. STALLARD J. ROBERT CHAMBERS GREGORY J. LUNN KURT L. GROSSMAN CLEMENT H. LUKEN, JR. THOMAS J. BURGER **GREGORY F. AHRENS** WAYNE L. JACOBS KURT A. SUMME KEVIN G. ROONEY KEITH R. HAUPT THEODORE R. REMAKLUS THOMAS W. HUMPHREY

SCOTT A. STINEBRUNER DAVID H. BRINKMAN

BEVERLY A. LYMAN, PH.D.

KRISTI L. DAVIDSON

2700 CARÉW TOWER 441 VINE STREET

CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324 FACSIMILE: 513-241-6234 WEBSITE:: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION LAW AND RELATED LITIGATION

> EDMUND P. WOOD 1923-1968 1935-1976 TRUMAN A. HERRON EDWARD B. EVANS 1936-1971

September 22, 2005

JOSEPH R. JORDAN C. RICHARD EBY

KATHRYN E. SMITH P. ANDREW BLATT, Ph.D. DAVID E. JEFFERIES WILLIAM R. ALLEN, Ph.D. JOHN PAUL DAVIS DOUGLAS A. SCHOLER BRETT A. SCHATZ DAVID W. DORTON SARAH OTTE GRABER STEVEN W. BENINTENDI, Ph.D. RANDALL S. JACKSON, JR.

OF COUNSEL JOHN D. POFFENBERGER DAVID J. JOSEPHIC THOMAS W. FLYNN J. DWIGHT POFFENBERGER. JR. BRADLEY D. BECK

FACSIMILE COVER SHEET

Examiner Firmin Backer To:

Art Unit 3621

Mail Stop AMENDMENT Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22213-1450

571-273-8300 Fax:

Enclosures:

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)

Transmittal containing Certificate of Facsimile

Transmission (1 page)

Notice of Appeal containing Certificate of Facsimile Transmission and Authorization to Charge Deposit Account 23-3000 in the amount of \$500.00 for the Appeal Fee (1 page)

Pre-Appeal Brief Review Request (5 pages)

From: Scott A. Stinebruner

Reg. No. 38,323

U.S. Patent Application Re:

Serial No. 09/431,833

Filed: November 2, 1999 Joseph Phillip Bigus et al.

Applicant: 3621 Art Unit:

Confirmation No.: 9272 IBM/02B Our Ref:

Pages: 8 (including cover sheet)

Resubmission of Incomplete factes auto-Reply 09/22/05 3:52:08 PM 5 pages 09/22/05 4:07:26 PM 4 pages

RECEIVED OIPE/IAP

SEP 2 3 2005

MESSAGE/COMMENTS **OFFICIAL**

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (8 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Firmin Backer, Art Unit 3621, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on September 22, 2005.

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's accietant ATID DAY NEIMBED TO (212) 9/1 492/ PAGE 1/6 * RCVD AT 9/22/2005 4:38:08 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/29 * DNIS:2738300 * CSID:513 241 6234 * DURATION (mm-ss):03-02

RECEIVED CENTRAL FAX CENTER

SEP 2 2 2005

PATENT

IBM/02B Confirmation No. 9272

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Joseph Phillip Bigus et al.

Art Unit: 3621

Serial No.:

09/431,833

Examiner: Firmin Backer

Filed:

November 2, 1999

Atty Docket No. RO996054L

For:

INTELLIGENT AGENT WITH NEGOTIATION CAPABILITY AND

METHOD OF NEGOTIATION THEREWITH

TRANSMITTAL

Mail Stop AF
Commission for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)

Transmittal containing Certificate of Facsimile Transmission (1 page)

Notice of Appeal containing Certificate of Facsimile Transmission and Authorization to Charge Deposit Account 23-3000 in the amount of \$500.00 for the Appeal Fee (1 page)

Pre-Appeal Brief Review Request (5 pages)

Please charge any additional fees or credit overpayment to Deposit Account No. 23-3000.

WOOD, HERRON & EVANS, L.L.P. By:

2700 Carew Tower 441 Vine Street

Cincinnati, Ohio 45202

(513) 241-2324

Scott A. Stinebruner Reg. No. 38,323

CERTIFICATE OF FACSIMILE TRANSMISSION

Thereby certify that this correspondence and the enclosures noted herein (8 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Firmin Backer, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on September 22, 2005.

Judith L. Volk

Date Date

Page 1 of 1
Serial No. 09/431,833
Transmittal for Notice of Appeal of September 22, 2005
IBM Docket RO996054L
WH&E IBM/02B
K:\bm\02b\notice of Appeal Transmittal.wpd